REMARKS

This responds to the office action of 22 October 2006 in which claims 1, 3-13, 16, and 17 were pending and examined. Claims 1 and 3-7 were rejected under 35 USC 102(b) as anticipated by Kramer (US patent 6,216,140). Claims 8-13 and 16, 17 were rejected under 35 USC 103(a) as being obvious in view of Kramer and Brodersen (US Publication 2002/0129352). This amendment revises claims 1, 3-6, and 8. Claims 7, 9-12 are unchanged. Claims 14-17 are cancelled. Claims 1 and 3-13 remain for reconsideration. All rejections are traversed.

In paragraph 4, the examiner objected to claims 1, 6, and 8 and suggested that the term "adapted to" be replaced by "operable to". The suggested changes have been made. Since this amendment cancels claims 14-17, the examiner's objections to claims 14-17 are considered to be moot.

Similarities and Differences between the Present Invention and Kramer

Kramer and the present invention both relate to the provision of facilities that facilitate the provision of successive versions of a software file, directory, program, or folder. There are many differences between Kramer and the present invention.

Applicants disclose the details of their instrumentalities required to generate a new software release. Kramer discloses no such details. Kramer's disclosure is primarily a block diagram presentation of "before and after" versions of his software. Kramer fails to describe how one could revise software from a "before" state to an "after" state.

The present invention discloses the specific instrumentalities that automate a new software release. The applicants' instrumentalities are shown in detail on applicants' figures 2-6. Figure 2 is a high-level block diagram of applicants' claimed invention. Figure 3 is a more detailed block diagram showing the instrumentalities used by applicants to generate a new software release. Figures 5 and 6 are flow charts illustrating the process steps embodying the applicants' invention. The applicants' disclosure illustrates with specificity and particularity the instrumentalities and process steps that automate applicants' software release process. The applicants' disclosure provides sufficient information to enable one skilled in the art to practice applicants'

invention without undo experimentation.

Kramer does not provide sufficient information regarding his process steps that would be required to generate a revised version of his software. Kramer does not provide sufficient information to enable one skilled in the art to practice his invention without undue experimentation.

The 35 USC 102(B) Rejections of Claims 1 and 3-7

The rejection of claims 1 and 3-7 as anticipated by Kramer is respectfully traversed. Kramer is not anticipatory since it does not teach all elements of applicants' claimed invention as required for 35 USC 102(b) rejections. Kramer therefore fails to meet the 35 USC 102(b) requirements an anticipatory reference must possess. A review of section 2131 of the MPEP is instructive. Section 2131.01 states that in order to anticipate a claim; a single primary reference must be found that teaches every element of a rejected claim. Section 2131 further states that a claim is anticipated by a reference only if each and every claim element is disclosed or taught by a single prior art reference. The well known "all elements" rule requires that the identical invention must be taught by the reference asserted to be anticipatory and in as complete detail as is contained in the claim being examined. For anticipation, there can be no difference between the claimed invention and the reference disclosure. The reference disclosure must be understandable and enabling to a person of ordinary skill in the field of the invention.

Kramer fails to provide sufficient detail so that that one skilled in art could determine what elements and process steps are required to practice the Kramer invention. One skilled in the art might possibly be able to comprehend the Kramer "before and after" results achieved, but such a person would not be able to determine, without undue experimentation, what elements and process steps must be used to practice Kramer's invention.

The examiner's comments purport to identify the columns and lines of Kramer that describe elements, process steps or other instrumentalities comparable to those in applicants' rejected claims. The applicants disagree and assert that the Kramer material

referred to by the examiner is not comparable to the applicants'' claimed elements as is required by 35 USC 102(b). The Kramer material identified by the examiner cannot be understood, and comprises a high-level discussion of the "before and after" results achieved by Kramer. Kramer contains insufficient detail and only describes the "before and after" software modifications achieved by Kramer. In these "before and after" narrations, Kramer describes the status or location of a file prior to being modified, followed by a philosophical description of the file after being modified. He does not describe with specificity and particularity the instrumentalities that would be needed to achieve the file modifications alluded to in his "before and after" modifications.

By way of contrast, the applicants' disclosure is directed with specificity to the instrumentalities used by the applicants in generating a new version of existing software. The applicants' disclosure is replete with a description of their various instrumentalities used to generate new releases. It further describes details of these instrumentalities.

Discussion of Applicants Amended Claims 1 and 3-7

Kramer does not anticipate the present invention insofar as Kramer can be understood. Kramer does not disclose or teach all elements recited in applicants' claims 1 and 3-7.

Applicants' Independent claim 1 discloses details including the newly added software release inventory file element. Amended claim 1 recites further details of the build area. Amended claim 1 recites further details of the scan element. The recited structure of amended claim 1 is a not shown or taught by Kramer. The columns and lines of Kramer relied on by the examiner have been studied in detail and found to be of no relevance to the elements recited in amended claim 1.

The following comments respond to the examiner's comments regarding the applicability of cited elements of Kramer with respect to be elements of amended claim 1.

Applicants have no comment on the examiner's comments regarding the *system* recited in the preamble of claim 1.

The second element recites a ***release area***. Applicants have no comments on the examiner's interpretation.

The third recited element is a ***build area*** followed by the details of the elements and functions of the ***build area***. Applicants do not agree with the examiner's analysis. The examiner cites the material in column 4 lines 45-65, column 5 lines 7-10, and column 6 lines 1-15 as being anticipatory. Applicants disagree and assert that these portions of Kramer do not teach the recited ***build area*** of claim 1. The material at column 4 lines 45-65 does not teach the specifics of the instrumentalities used by Kramer to embody his invention. The cited material is vague and merely comprises design objectives. The material in column 5 lines 7-10 refers to his methodology. It does not teach the details of the instrumentalities use by Kramer and how he provides a virtual copy of an original file. This material does not anticipate or teach the corresponding elements recited amended claim 1.

The problem with the Kramer material is that it does not teach the hardware elements or process steps recited in applicants' amended claim 1. Kramer merely discusses design goals and results rather than the specifics of the elements that would be required to practice the Kramer invention without undue experimentation. For the above reasons, the cited portions of Kramer do not meet the requirements of the recited ***build area*** of amended claim 1.

The next element recited in claim 1 is a ***software release information manager*** (SRIM). This recitation recites the details and functions of the SRIM. The examiner cites column 7, lines 5-67 and column 8, lines 1-60 in support of his rejection. The applicants disagree. Claim 1 recites details of the element to which the SRIM is connected, as well as the functions performed by these connections together with the functions of the SRIM in copying files. The examiner's cited material is inadequate. It only discusses design objectives, and the results achieved by Kramer. The cited Kramer material does not teach or discuss the details of the elements used by him in performing the functions to which his material pertains. In particular, this cited Kramer material does not teach the details of the SRIM recited in claim 1.

The next recited element of claim 1 is ***an inventory file element*** that receives

and stores information in the build area. This recitation is followed by further details of the functions performed by the **inventory file element** under control of a **scan element** to categorize all files comprising the release area. The examiner cites the Kramer material of column 7, line 43 through column 8, line 55. This cited material has been discussed above and fails to support the examiner's position since it is directed to design philosophy and high-level discussions regarding results achieved. It does not teach to the specifics of the material used by Kramer to support the functions of the applicants' recited **inventory file element**.

Claim 1 next recites a **scan element** followed by the details of the functions provided by the scan element, as well as the functions of the build area, followed by functions and files comprising the new software release, as well as the functions of the scan element, and the functions required to load necessary data to a release database. The examiner cites the Kramer material at column 7, line 5 through column 8, line 60 as being relevant to the recited SRIM material. The cited Kramer material does not teach the instrumentalities used by Kramer in performing the functions to which his cited Kramer material pertains.

The next element in claim 1 recites further details and functions of the SRIM including how it controls the operation of the inventory file element and the scan element to affect a transfer of information from the build area, and to the release storage area. The examiner cites the Kramer material in column 8, lines 3-10. This material does not support the examiner's comments. Kramer does not teach the recited **scan element**. The cited Kramer material relates to design philosophy. It fails to teach the specific elements recited in claim 1.

The next element recited in amended claim 1 is directed to a comparison of **build information** in the **inventory file element** and the release information regarding a current release of files and directories into the **release storage area**. The last element recited in amended claim 1 relates to **installing modified files** and **directories** into a **release storage area** to create a new release. It further recites the updating of information in a **released database** from the build the area in the **inventory file** in response to the step of installing modified files as well as identifying the differences

between the **build area** and the use **release storage area**. These elements are not taught by Kramer.

Dependent claim 3 is directed to the functions of a release database and a scan element as well as the inventory file element, which stores information regarding files and directories in the build area. The columns and lines of Kramer relied on by the examiner have been studied in detail and found to be of no relevance to the instrumentalities recited in amended claim 3.

Dependent claim 4 is directed to details and functions of a verify element. The columns and lines of Kramer relied on by the examiner have been studied and found to be of no relevance to the instrumentalities recited in amended claim 1.

Dependent claim 5 is directed to the details of applicants' software release information manager including the functions of an install element coupled to an inventory file element. The columns and lines of Kramer relied on by the examiner have been studied and found to be of no relevance to the instrumentalities recited in amended claim 5.

Dependent claim 6 is directed to further details of a build storage area. The columns and lines of Kramer relied on by the examiner have been studied and found to be of no relevance to the instrumentalities recited in amended claim 6.

Dependent claim 7 characterizes the types of information that may embody the identified differences. The columns and lines of Kramer relied on by the examiner have been studied and found to be of no relevance to the instrumentalities recited in amended claim 7.

Dependent claims 2-7 should be inherently allowable as being dependent upon claim 1 which is believed to be allowable.

The 35 USC 103(a) Rejections of Claims 8-13

Claims 8-13 were rejected under 35 USC 103(a) in view of the Kramer/Brodersen combination. The issues above discussed for Kramer and claim 1 are equally applicable to the other independent claims 8 and 13 which are distinguishable from Kramer.

This rejection is respectfully traversed. A first reason for traverse is that the

combination of Kramer/Brodersen is flawed since combination does not teach the elements recited in claims 8-13.

The applicants traverse the rejection of claims 8-13 as being based on the defective combination of Kramer/Brodersen. Kramer/Brodersen is further flawed in that the Brodersen suffers from the same inadequacies as does Kramer. Specifically, Brodersen does not teach the details of the instrumentalities that would be required to embody his system. The Brodersen disclosure is limited to a high-level discussion of data flow without regard to the details of the instrumentalities that would be required to embody the Brodersen.

The applicants teach the instrumentalities that would be used to create a new software release. The applicants' invention is directed to details that that are not disclosed or taught by either Kramer or Brodersen. Because of the above deficiencies, the rejection of claims 8-13 is respectfully traversed is being based on prior art, whose disclosure is fatally flawed taken either individually or in combination.

The following responds is to the examiner's comments regarding the applicability of Brodersen to the elements of applicant's amended claim 8. Brodersen's figure 1 discloses a system wherein a central computer system 1 controls the updating of software used by a plurality of remote nodes 21a, 21b, and 21c. Brodersen figure 1 and the associated text on pages 2 and 3, discloses only the highest level of signal flow between the elements of figure 1. Pages 2 and 3 of Brodersen describe: how elements of his central control system 1 store the present version of software, how a user 33a of a node inputs new information into an "update element 31a," and how input data from user 33a is processed by node 21a to initiate the updating of software. Brodersen states that node 21a transmits the revised information to the central computer system control 1 which processes the received revised information, compares it with the existing information, corrects any detected incompatibility and returns an updated version of the software to node 21a.

Brodersen describes his updating process only at the high level on figure 1 as well as on the text on his pages 2 and 3. No details of the elements on figure 1 are described on pages 2 and 3 (or elsewhere in his text). His figure 1 provides no

information regarding any details of the elements that could be used to achieve this software release revision. One desiring to practice the Brodersen invention would be forced to investigate many alternatives of the hardware. One would further be required to select the apparatus to be used in embodying merge 7, dock 5, log manager 9, update 11, update 31 as well as comparable elements for each of the nodes 21a, 21b, and 21c. Brodersen figure 1 illustrates only a conceptual data block and signal flow between elements. Brodersen discloses no details sufficient to teach his invention beyond generic level concepts. His disclosure teaches nothing regarding the details of hardware elements that would be required by one skilled in the art when attempting to practice the Brodersen invention.

The 35 USC 103(a) rejections of amended independent claims 8 and 13 are traversed for the same reasons as priorly discussed for independent claim 1. Independent claim 8 recites a method of operating the software release management system. Claim 8 also recites an inventory file element which is not shown in the references.

The columns and lines of Kramer/Brodersen relied on by the examiner have been studied in detail and found to be of no relevance to the elements recited in amended claim 8. Independent claims 8 and 13 was rejected using the same unsupported assertions that the claimed elements are explicitly disclosed or equivalent to by Kramer/Brodersen. This rejection is without merit since the rejections are not supported by any disclosure or elements in Kramer/Brodersen comparable to those of claims 8 and 13.

Dependent claim 9 is directed to storing information in a database to compare prior information and newly released information. The columns and lines of Kramer/Brodersen relied on by the examiner have been studied in detail and found to be of no relevance to the instrumentalities recited in amended claim 9.

Dependent claim 10 recites the step of installing a copy of release files and directories in a destination storage area. The columns and lines of Kramer/Brodersen relied on by the examiner have been studied and found to be of no relevance to the instrumentalities recited in amended claim 10.

Dependent claim 11 is directed to the step of copying build files into a release area to generate a new release. The columns and lines of Kramer/Brodersen relied on by the examiner have been studied and found to be of no relevance to the instrumentalities recited in amended claim 11.

Dependent claim 12 is directed to the step of copying the released files and directories in a destination area to install a new release of the software product. The columns and lines of Kramer/Brodersen relied on by the examiner have been studied and found to be of no relevance to the instrumentalities recited in amended claim 12.

Independent claim 13 recites a method of operating a system having elements comparable to that recited in independent and apparatus claim 1. Independent claim 13 is further directed to a method of operating a software release management system including the newly added inventory file element. The columns and lines of Kramer/Brodersen relied on by the examiner have been studied and found to be of no relevance to the instrumentalities recited in amended claim 13.

SUMMARY

All pending claims 1 and 3-13 are believed to be allowable. This includes independent claims 1, 8, and 13 as well as dependent claims 3-7 and 9-12 which are also believed to be allowable in view of their dependency on allowed independent claims 1, 8, and 13.

The examiner is requested in the next office action to indicate with the name and identity of each element in any cited art that is asserted by the examiner to teach an element of a rejected claim. This information is required in fairness to applicants so they can understand the examiner's position and prepare a meaningful response. The present office action, instead, cited one or more columns as being relevant to a claimed element. This leaves the applicants to guess which element of a column was believed by the examiner to be relevant. To avoid the above problems, the applicants respectfully request that the examiner provide information in the next office action that facilitates an understanding of the correspondence between each element of a rejected claim and detailed information indicating where the allegedly corresponding element can be found in the prior art. This information should include the name of the allegedly corresponding element in as well as the column and line number containing the name as well as a further description of the allegedly corresponding element. The provision of this information in a next office action will be mutually beneficial since it will enable the applicants to better understand the examiner's remarks.

The Examiner is respectfully requested to call if the prosecution of the application can be expedited by so doing.

Respectfully submitted,

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